IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

Civil Writ Petition No.1088 of 2001.
Date of decision:05.04.2007.

State of H.P. **….Petitioner**

Versus

Prakash Chand **….Respondent**

Coram

The Hon'ble Mr.Justice Dev Darshan Sud,J.

The Hon'ble Mr.Justice Rajiv Sharma,J.

Whether approved for reporting ?[1]

For the Petitioner: **M/s.J.K. Verma and P.M. Negi, Deputy Advocate Generals.**

For the Respondent: **Mr.R.Maniktala, Advocate.**

Dev Darshan Sud,J.(Oral)

This writ petition has been filed by the State against the order passed by the learned State Administrative Tribunal in O.A. No.1545 of 1991 on 14th December, 2000 allowing the claim of the petitioner whereby the respondent has sought to change the settled seniority position. Consequent to the change, the petitioner had been promoted to the next higher post(s) to which he was entitled. The learned Tribunal, while considering the case of the petitioner before it, has followed the judgments of the Apex Court holding that seniority cannot be altered after a long lapse of time.

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[1] ***Whether the reporters of Local Papers may be allowed to see the judgement?***

On going through the records of the case, we find that the seniority was settled way back in the year 1979, the respondent was confirmed in service w.e.f.1.5.1975. Strangely, a memorandum dated 22nd February, 1991 has been issued whereby an allegation has been made that the respondent was responsible for concealment of important facts and therefore, has been granted wrong seniority. We have gone through the record and find that there is no material to substantiate this allegation which has been leveled against the respondent. Considering the fact that the seniority was settled as far back as in the year 1979 and the seniority list has been finalized, we do not think any jurisdictional error or illegality has been committed by the learned Administrative Tribunal in allowing the petition before it. The judgment is well reasoned and based on sound legal principles. We find no merit in this petition which is accordingly dismissed. There shall be no order as to costs.

The interim order passed stands vacated.

(Dev Darshan Sud)
Judge.

April 5, 2007
(aks)

(Rajiv Sharma)
Judge.